

AMENDMENT UNDER 37 C.F.R. § 1.111  
U.S. APPLN. NO. 10/764,490

**REMARKS**

Examiner Hall issues the following three statutory prior art rejections:

- (1) Claims 1-5, 8 and 9 are rejected under 35 U.S.C. § 102(b) as being anticipated by (lacking novelty over) Barrington '248;
- (2) Claim 7 is rejected under 35 U.S.C. § 103(a) as being unpatentable (obvious) over Barrington in view of Spool '151; and
- (3) Claim 10 is rejected under 35 U.S.C. § 103(a) as being unpatentable (obvious) over Barrington in view of Dixon '308.

Applicant respectfully **traverses** each of these rejections insofar as they may be applied to the amended claim 1 and its dependent claims 2-10.

Rejection (1) requires that Barrington '248 disclose, either expressly or inherently, each limitation of each of independent claim 1 and its dependent claims 2-5, 8 and 9, or in other words, that each of these claims be **readable** on Barrington's disclosure. Applicant respectfully submits that clearly such is **not** the case here.

More specifically, Applicant has amended claim 1 to contain the limitation, "the two surfaces being arranged in succession along the syringe axis". Thus, claim 1 now requires that the two surfaces (50A and 56A) are arranged in succession from the back to the front of the syringe axis.

On the **contrary**, in Barrington '248, the surfaces 42, 43 carried by the half-nut are arranged around the half-nut, which means around the syringe axis and not along the syringe axis as now claimed.

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In Barrington, the control member which is used to switch the nuts from the first position to the second position rotates around the syringe body, which is not very convenient for the surgeon.

With the "device" claimed in claim 1, it is possible to use a control member which does not rotate around the syringe body but which is, for example, mounted to tilt about an axis perpendicular to the longitudinal direction of the syringe body. This is safer and more convenient for the surgeon.

Thus, since Barrington does not disclose, or even suggest, all of the limitations of the independent parent claim, Applicant respectfully submits that Barrington is **incapable of anticipating** claim 1 and its dependent claims 2-6, 8 and 9, as these claims are not readable on Barrington.

In view of the above-described deficiencies in Barrington's disclosure with respect to parent claim 1, Applicant respectfully submits that rejections (2) and (3) also must fall because Barrington/Spool and Barrington/Dixon clearly do not disclose, or even suggest, all of the limitations of the dependent claims 7 (7/1) and 10 (10/1), and the Examiner does not assert otherwise.

With respect to claim 7 (7/1), the Examiner admits that "Barrington does not directly show each half-nut mounted to tilt about an axis perpendicular to the longitudinal direction of the syringe body". Thus, assuming, *arguendo*, that Spool "teaches the nut disclosed at a backward angle with respect to the piston", even if Barrington were "modified" by Barrington as proposed by the Examiner, there would not be produced the subject matter of claim 7.

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With respect to claim 10 (10/1), the Examiner admits that, "Barrington does not directly show the device further comprises a rigid handle integrally molded with the syringe body and situated diametrically opposite the control member for the sole half-nut". Even assuming, *arguendo*, that Dixon "teaches a diametrically opposed rigid handle", if for some reason a person were to modify "the device of Barrington with the handle as taught by Dixon for easier manual gripping" as proposed by the Examiner, there would not be produced the subject matter of claim 10 or subject matter which would have rendered claim 10 obvious under 35 U.S.C. § 103(a).

Thus, since the Barrington/Spool and Barrington/Dixon combinations do not disclose, or even suggest, all of the limitations of the dependent claims 7 (7/1) and 10 (10/1), Applicant respectfully submits that these combinations of references are **incapable of rendering obvious** the subject matter of each of claims 7 and 10, whereby Applicant respectfully requests the Examiner also to reconsider and withdraw rejections (2) and (3) above.

Applicant respectfully submits that the application is now in condition for allowance with all of claims 1-10; however, if for any reason the Examiner feels that the application is not now in condition for allowance, she is respectfully requested to **call the undersigned attorney** to discuss any unresolved issues and to expedite the disposition of the application.

Applicant files concurrently herewith a Petition (with fee) for an Extension of Time of three months. Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this application, and any required fee for such extension is to be

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charged to Deposit Account No. 19-4880. The Commissioner is also authorized to charge any additional fees under 37 C.F.R. § 1.16 and/or § 1.17 necessary to keep this application pending in the Patent and Trademark Office or credit any overpayment to said Deposit Account No. 19-4880.

Respectfully submitted,

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